

**From:** [Traci Garner](#)  
**To:** [Michael Fox](#)  
**Subject:** FW: Supplemental 104(e) Response to EPA  
**Date:** Tuesday, April 09, 2013 11:29:14 AM  
**Attachments:** [P RIVMINING - CONFORMED FINAL JUDGMENT \(00066718\).PDF](#)  
[XP RIVMINING-CA - Proposed Final Order of Condemnation \(00066942\).PDF](#)  
[Stringfellow -EPA.pdf](#)

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Hi, Michael. Will you process the attached docs, and then update RML's EAS? Thanks.

**Traci R. Garner**  
720.898.4119  
[tgarner@toeroek.com](mailto:tgarner@toeroek.com)

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**From:** Magnolia Alvarez [<mailto:magnolia@erconusa.com>]  
**Sent:** Tuesday, April 09, 2013 11:31 AM  
**To:** [Olinger.Keith@epamail.epa.gov](mailto:Olinger.Keith@epamail.epa.gov)  
**Cc:** Traci Garner; [boloram@sbcglobal.net](mailto:boloram@sbcglobal.net)  
**Subject:** Supplemental 104(e) Response to EPA

Dear Mr. Olinger:

I have been working on getting the information together that was requested on the supplemental requests. I am glad to finally hear the information sent from Southland Engineering was actually received in the correct office. I had tried to inquire about this unsuccessfully.

Attached I am sending the information received on the other supplemental requests.

1. I received the attached letter from M.J.Baxter Drilling Company in response to requests 1 & 2. There is no additional information nor documentation as they were the only company contracted to do any and all blasting on site.
2. In response to request 4 here is the information provided from the attorney involved at the time.

“The conveyance to the State was done by way of a Judgment in Condemnation and Final Order of Condemnation. There are no ‘transaction documents,’ as the conveyance was a forced conveyance through the court, rather than a voluntary transaction. I have a copy of the Final Judgment in Condemnation, which is attached. I have (and have attached) a copy of the Final Order of Condemnation which was submitted to the Court, but I do not have a copy signed by the Court or a recorded copy. If the recorded copy is needed, that should be available to whoever is requesting it, including the EPA, from the County Recorder’s office”

Please let me know if any other information is needed.

Thank you,

*Magnolia Alvarez*

**Riverside Mining Limited**

(951) 681-7765 – office

(951) 681-8244 – fax

[magnolia@erconusa.com](mailto:magnolia@erconusa.com)

*Baxter Blasting Company*

*Db a M. J. Baxter Drilling Company*

CA Lic. 309281  
AZ Lic. 129504

P.O. Box 245  
El Cajon, California 92022-0245  
619 443-7800 office 619 561-4434 fax

November 1, 2012

Magnolia Alvarez  
Contract Administrator  
RIVERSIDE MINING LIMITED  
3500-B Pyrite Street  
Riverside CA 92509

(951) 681-7765; magnolia@erconusa.com

Reference: US EPA Stringfellow Superfund Site letter to Nanu Patel

Subject: Your letter request for information on explosives

Dear Ms. Alvarez:

This letter is in regards to your email dated 10/31/2012, with an attached letter from the United States Environmental Protection Agency addressed to Nanu Patel.

On August 24 2012, Baxter Company supplied the EPA with the information requested on the "Supplemental Requests" item numbers 1 and 2.

I believe what the EPA is looking for is any documentation you might have that would be in addition to that information.

Sincerely,

M. J. BAXTER DRILLING COMPANY

  
Dana E. Casemier  
Office Manager

Cc: Jeff Brust  
Glenn Inverso

APR 27 2011

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

MAY 12 2011

*Amwell*

VR  
MAY 19 2011

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE

**STATE OF CALIFORNIA, acting by and  
through the STATE PUBLIC WORKS  
BOARD,**

Plaintiff,

v.

**RIVERSIDE MINING LIMITED, A  
CALIFORNIA LIMITED PARTNERSHIP,  
et al.,**

Defendants.

Case No. RIC 492860

~~PROPOSED~~ FINAL JUDGMENT IN  
CONDEMNATION

Plaintiff State of California, acting by and through the State Public Works Board on the one hand ("plaintiff"), and defendants Riverside Mining, A California Limited Partnership ("Riverside Mining"), Preferred Bank, A National Banking Corporation ("Preferred Bank"), Lucille M. Hubbs ("Hubbs") as Trustee of the Paul J. Hubbs and Lucille M. Hubbs Survivors Trust dated May 26, 1992, and the County of Riverside on the other, having executed a Stipulation For Entry of Final Judgment in Condemnation ("Stipulation") and having requested the Court to enter a Final Judgment in Condemnation ("Judgment") consistent with the Stipulation with respect to the plaintiff's condemnation of a fee simple absolute interest in the real property described as follows ("subject property"):

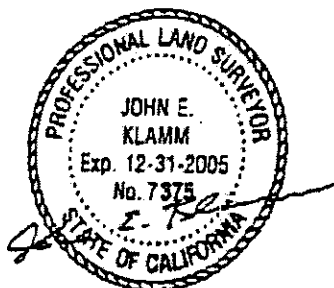
**EXHIBIT "A"**  
**Stringfellow Hazardous Waste Site**  
**Pretreatment Plant Site Acquisition**

All the real property situated in the County of Riverside, State of California, being a portion of Section 1, Township 2 South, Range 6 West, San Bernardino Meridian, being more particularly described as follows:

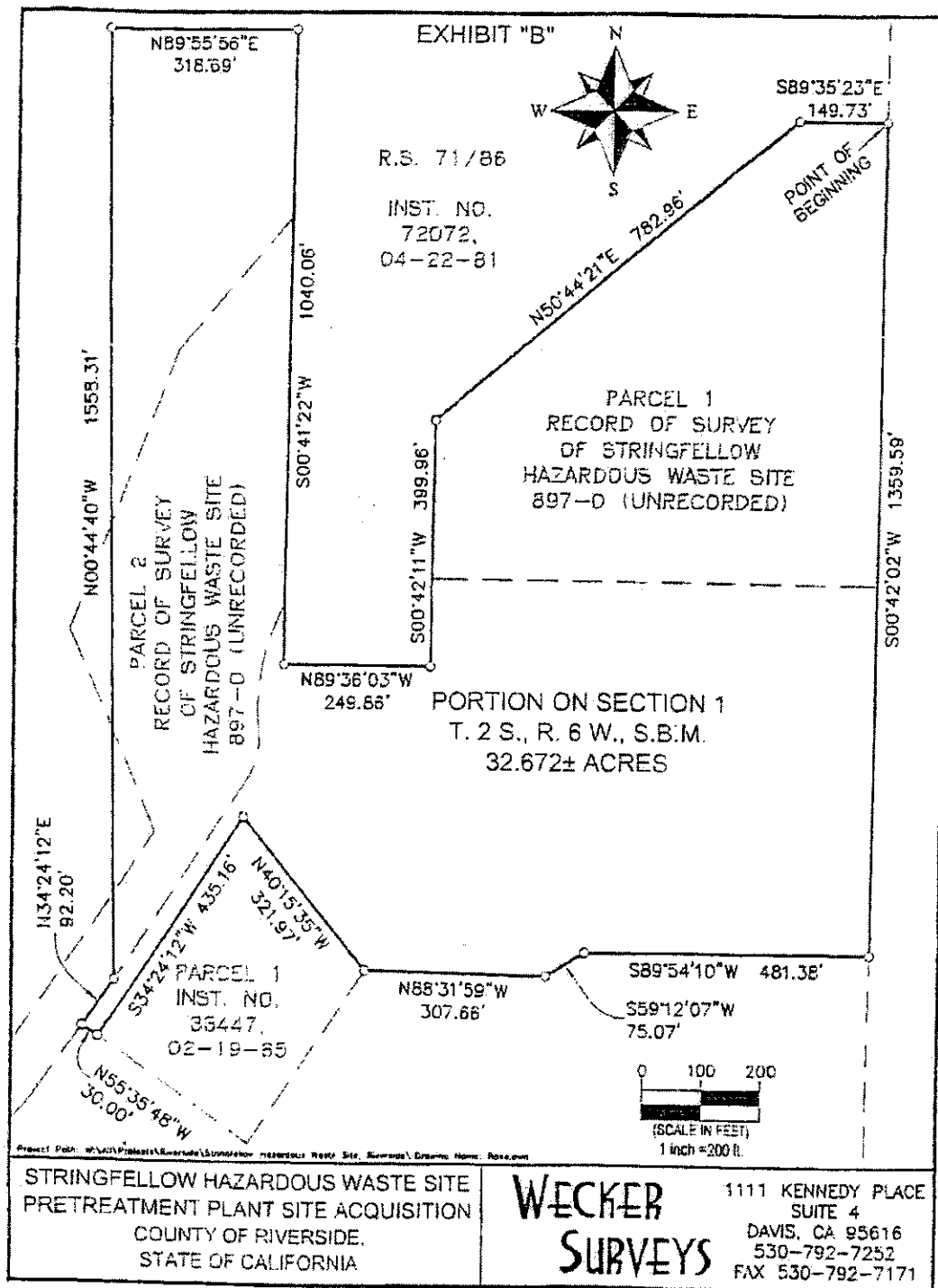
Beginning at the point of intersection of the East line of said Section 1, with the southerly boundary of that certain tract of land described in Instrument No. 72072, recorded in the office of the Recorder of Riverside County on April 22, 1981, said point being the Northeast corner of Parcel 1, as shown on that certain unrecorded Record of Survey of "Stringfellow Hazardous Waste Site", filed in the Riverside County Surveyor's office as Number 897-0; thence from said POINT OF BEGINNING, along last said East line, South 00°42'02" West, 1,359.59 feet; thence, leaving said East line, South 89°54'10" West, 481.38 feet; thence South 59°12'07" West, 75.07 feet; thence North 88°31'59" West, 307.66 feet to the most easterly corner of Parcel 1, as described in the deed recorded in the office of said Recorder on February 19, 1985 as Instrument No. 33447; thence, along the boundary of last said Parcel 1, the following two (2) courses: (1) North 40°15'35" West, 321.97 feet; and (2) South 34°24'12" West, 435.16 feet to the most westerly corner of last said Parcel 1; thence, along the northwesterly prolongation of the southwesterly boundary of last said Parcel 1, North 55°35'48" West, 30.00 feet to the southeasterly boundary of Parcel 2, as shown on said unrecorded Record of Survey; thence, along said southeasterly boundary, North 34°24'12" East, 92.20 feet; thence, leaving said southeasterly boundary, North 00°44'40" West, 1,558.31 feet; thence North 89°55'56" East, 318.69 feet to a point located on the westerly boundary of said tract of land described in Instrument No. 72072; thence, along the boundary of last said tract of land, the following five (5) courses: (1) South 00°41'22" West, 1,040.06 feet; (2) South 89°36'03" East, 249.86 feet; (3) North 00°42'11" East, 399.96 feet; (4) North 50°44'21" East, 782.96 feet; and (5) South 89°35'23" East, 149.73 feet to the POINT OF BEGINNING;

Containing: 1,423,194 square feet or 32.672 acres, more or less.

End of Description.



4/15/05



1 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS  
2 FOLLOWS:

3 1. The Plaintiff's Action To Acquire The Property

4 A complaint in eminent domain was filed on February 14, 2008, in the Superior Court for  
5 the County of Riverside, Case No. RIC 492860 ("complaint") wherein plaintiff ) alleged the  
6 public interest and necessity require acquisition of the subject property, designated in the records  
7 of the Office of the Riverside County Recorder as portions of assessor's parcel numbers 173-180-  
8 008, 173-180-009, 173-170-006, 173-170-013 and 173-170-015, as more specifically described in  
9 Exhibits A and B to the complaint adjacent to the Stringfellow Federal Superfund Site for the  
10 construction of a new pretreatment plant to allow the State of California to continue to remediate  
11 a highly contaminated groundwater plume.  
12

13 At a meeting duly and regularly convened at Sacramento, California on December 14,  
14 2007, the STATE PUBLIC WORKS BOARD adopted a resolution of necessity, describing the  
15 rights in the subject property to be taken and the legal description of the subject property.  
16

17 On or about May 1, 2008, plaintiff deposited the sum of One Million Dollars  
18 (\$1,000,000, "the deposit") with the State Treasurer as the probable amount of just compensation  
19 to be awarded for the taking of the subject property.  
20

21 Riverside Mining filed an answer to the complaint alleging fee simple ownership of the  
22 subject property.

23 Hubbs filed an answer to the complaint alleging a beneficial interest in the subject  
24 property under a deed of trust recorded June 9, 2006, as instrument number 2006-0420490 of  
25 Official Records, County of Riverside.

26 By order dated January 15, 2009, issued upon the stipulation of Riverside Mining, Hubbs,  
27 and defendants First American Title Insurance Co., a California corporation, County of Riverside,  
28

1 and Stringfellow-Quarry Company a/k/a Stringfellow Quarry Company, a Limited Partnership,  
2 Riverside Mining and Hubbs were permitted to withdraw the deposit, Five Hundred Thousand  
3 Dollars (\$500,000) being disbursed to Riverside Mining and \$500,000 to Hubbs.

4                   2.     Just Compensation To Be Paid

5             Hubbs has agreed to accept the Five Hundred Thousand Dollar (\$500,000) portion of the  
6 deposit disbursed to her, as Trustee of the Paul J. Hubbs and Lucille M. Hubbs Survivors Trust  
7 dated May 26, 1992, in settlement of all claims arising from this action, to wit, just compensation,  
8 loss of business goodwill, severance damages, statutory interest, defendant's litigation expenses  
9 (including attorney's fees and fees for appraisers and/or engineers), costs of suit, relocation  
10 assistance of any kind or nature and any other sums or damages that Hubbs might be entitled to  
11 by virtue of the taking of the subject property and the filing and prosecution of this action.  
12

13             Riverside Mining has agreed to accept the Five Hundred Thousand Dollars (\$500,000)  
14 portion of the deposit in settlement of all claims arising from this action, to wit, just  
15 compensation, severance damages, loss of business goodwill, statutory interest, defendant's  
16 litigation expenses (including attorney's fees and fees for appraisers and/or engineers), costs of  
17 suit, and any other sums or damages that Riverside Mining might be entitled to by virtue of the  
18 taking of the subject property and the filing and prosecution of this action, with the sole exception  
19 of relocation assistance benefits.  
20

21             Riverside Mining and its related entities operating on the subject property, defendants  
22 Environetics Development Corp., a Semler Co., A Calif. Corporation and Rockhard  
23 Transportation Inc., a California Corporation, shall be paid relocation assistance benefits in the  
24 sum of Two Hundred Thousand Dollars (\$200,000) ("Relocation Benefit Amount").  
25

26             From the Relocation Benefit Amount, plaintiff shall pay the sum of Eighty Thousand  
27 Dollars (\$80,000) to Preferred Bank, as the the holder of a deed of trust encumbering the  
28



1 Property, which deed of trust is dated April 16, 2008, and recorded on April 17, 2008, as  
2 Instrument No. 2008-0191336 in the Official Records of Riverside County, California, and the  
3 sum of Forty-Three Thousand Six Hundred Thirty Dollars and Seventy-Four Cents (\$43,630.74)  
4 with daily interest thereon at the rate of \$40.36 from February 1, 2011, to and including the date  
5 of payment, to the County of Riverside for taxes and assessments owing on the subject property.  
6 In accordance with the provisions of the Revenue and Taxation Code of the State of California  
7 and the Code of Civil Procedure of the State of California, all taxes and assessments on the  
8 subject property are canceled as of the date of recordation of the Final Order of Condemnation in  
9 this action.  
10

11 Riverside Mining shall be entitled to remain on the subject property for no more than 150  
12 days after receipt by each of the parties of the sums as set forth above, to enable it to undertake an  
13 orderly relocation, including removal of all personal property which it and its related business  
14 ventures have located on the subject property.  
15

16 Except as to compensation mentioned in this Judgment, each party or entity to which any  
17 form of compensation is to be paid, specifically waives the right to any compensation from  
18 plaintiff, of whatever kind or nature, for the taking of the subject property.  
19

20 The recitation of potential claims by any defendant in this action does not mean that each  
21 item was a component of the settlement amount herein, but is stated to memorialize a full  
22 resolution of all potential claims arising from this action.

23 All interest on on any amount to be paid by plaintiff under the terms of this judgment is  
24 specifically waived by all defendants.

25 Defendant First American Title Insurance Company, a California corporation, has filed a  
26 disclaimer in this action under Code of Civil Procedure section 1250.325.

27 Defendant Stringfellow-Quarry Company a/k/a Stringfellow Quarry Company, a Limited  
28

1 Partnership, a California corporation, has filed a disclaimer in this action under Code of Civil  
2 Procedure section 1250.325.

3 Defendant Annette Peterfy, the holder of a Deed of Trust on the subject property, has filed  
4 a Disclaimer in this action under Code of Civil Procedure section 1250.325.

5 Defendant Environetics Development Corp., a Semler Co., A Calif. Corp., the operator of  
6 a business on the subject property, has filed a Disclaimer in this action under Code of Civil  
7 Procedure section 1250.325.

8 Defendant Rockhard Transportation Inc., a California Corporation, the operator of a  
9 business on the subject property, has filed a Disclaimer in this action under Code of Civil  
10 Procedure section 1250.325.

11 Plaintiff shall take title to the subject property, subject to the following interests, which  
12 have not been acquired in this action:

13 a. An easement for road and utility purposes in favor of Santa Ana Watershed Project  
14 Authority, a public agency, pursuant to a Final Order of Condemnation entered in Judgment Book  
15 426, Page 361, Superior Court of the State of California, for the County of Riverside, Case No.  
16 166051 and recorded in Riverside County on February 19, 1985 as Instrument No. 33447, and on  
17 August 20, 1985 as Instrument No. 185575, Official Records.

18 b. An easement for the purpose shown below and rights incidental thereto:

21	In Favor of:	California Electric Power Company
22	Purpose:	Utilities
23	Recorded:	August 31, 1962 as Instrument <u>No. 82616</u> of Official Records in 24 the County of Riverside, State of California

1 c. An easement for the purpose shown below and rights incidental thereto:

2 In Favor of: Southern California Edison Company

3 Purpose: Utilities

4 Recorded: August 25, 1966 as Instrument No. 86355 of Official Records in  
the County of Riverside, State of California

5  
6 3. Payment of Just Compensation

7 Plaintiff shall, no later than 30 days following entry of this judgment: Pay to Riverside  
8 Mining the Relocation Benefit Amount, after deduction of: (1) taxes and assessments due to the  
9 County of Riverside in the sum of Forty Three Thousand Six Hundred Thrity Dollars and Seventy  
10 Four Cents (\$43,630.74) with daily interest thereon at the rate of \$40.36, from February 1, 2011,  
11 to and including the date of payment, and, (2) the sum of Eighty Thousand Dollars (\$80,000) due  
12 to Preferred Bank.  
13

14 4. Entry of Judgment and Final Order of Condemnation

15 Upon entry of this Judgment and receipt by the parties of the sums as set forth above, the  
16 subject property including all improvements on the land, shall be condemned to plaintiff free  
17 and clear of any and all liens, encumbrances, easements, leaseholds, taxes and assessments, both  
18 current and delinquent, including penalties and costs whatsoever current in nature, for the uses  
19 and purposes stated in the complaint, and title to the fee simple absolute interest in the subject  
20 property shall be taken in the name of the State of California.  
21

22 After entry of judgment, Court shall, upon application of any party and without further  
23 notice to any party, make a Final Order of Condemnation.  
24

25 Dated: May 10, 2011

26   
SYLVIA AUSTIN

JUDGE OF THE SUPERIOR COURT

1  
2  
3  
4  
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7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF RIVERSIDE  
10  
11

12 **STATE OF CALIFORNIA, acting by and**  
13 **through the STATE PUBLIC WORKS**  
14 **BOARD,,**

15 Plaintiff,

16 v.

17 **RIVERSIDE MINING LIMITED, A**  
18 **CALIFORNIA LIMITED PARTNERSHIP;**  
19 **COUNTY OF RIVERSIDE; FIRST**  
20 **AMERICAN TITLE INSURANCE**  
21 **CORPORATION; STRINGFELLOW**  
22 **QUARRY COMPANY, AKA**  
23 **STRINGFELLOW-QUARRY COMPANY,**  
24 **A LIMITED PARTNERSHIP; LUCILE M.**  
25 **HUBBS, AS TRUSTEE OF THE PAUL J.**  
26 **HUBBS AND LUCILE M. HUBBS**  
27 **SURVIVOR'S TRUST UNDER TRUST**  
28 **DATED MAY 26, 1992; ALL PERSONS**  
**UNKNOWN CLAIMING ANY RIGHT,**  
**TITLE, ESTATE, LIEN OR INTEREST IN**  
**OR TO THE WITHIN DESCRIBED**  
**PROPERTY; DOES 1 THROUGH 50,**  
**INCLUSIVE,,**

Defendants.

Case No. RIC 492860

**[PROPOSED] FINAL ORDER OF  
CONDEMNATION**

Judgment in condemnation having been entered in the above-referenced action on May 10, 2011, and it appearing to the Court's satisfaction that the above-named plaintiff, under that judgment, has paid the following sums as just compensation for the taking of the real property described in the judgment: Five Hundred Thousand Dollars (\$500,000) to defendant Riverside Mining Limited, A California Limited Partnership, Five Hundred Thousand Dollars (\$500,000) to defendant Lucille M. Hubbs, as Trustee for the Paul J. Hubbs and Lucille M. Hubbs Survivor's Trust dated May 26, 1992, \$80,000 to defendant Preferred Bank, a National Banking Corporation, as the holder of a deed of trust encumbering the real property described in the judgment, which deed of trust is dated April 16, 2008, and recorded on April 17, 2008, as Instrument No. 2008-0191336 in the Official Records of Riverside County, California, and \$48,473.94 to the County of Riverside for taxes and assessments due on the property described in the judgment;

IT IS ORDERED AND ADJUDGED:

The fee simple title to the real property, situated in the County of Riverside, State of California, more particularly described as follows, is hereby condemned to and taken for the public use stated in the complaint in this action:

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**EXHIBIT "A"**  
**Stringfellow Hazardous Waste Site**  
**Pretreatment Plant Site Acquisition**

All the real property situated in the County of Riverside, State of California, being a portion of Section 1, Township 2 South, Range 6 West, San Bernardino Meridian, being more particularly described as follows:

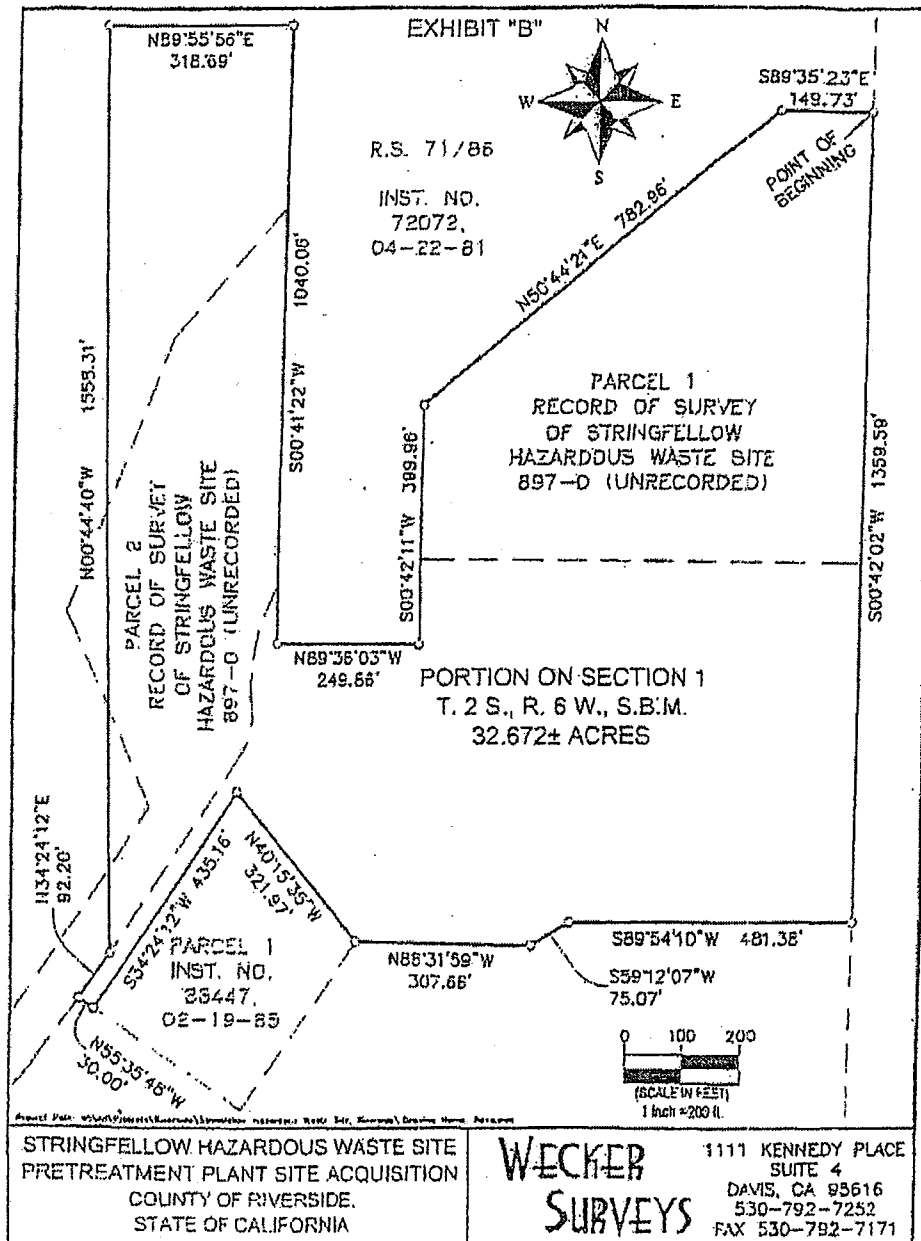
Beginning at the point of intersection of the East line of said Section 1, with the southerly boundary of that certain tract of land described in Instrument No. 72072, recorded in the office of the Recorder of Riverside County on April 22, 1981, said point being the Northeast corner of Parcel 1, as shown on that certain unrecorded Record of Survey of "Stringfellow Hazardous Waste Site", filed in the Riverside County Surveyor's office as Number 897-0; thence from said POINT OF BEGINNING, along last said East line, South 00°42'02" West, 1,359.59 feet; thence, leaving said East line, South 89°54'10" West, 481.38 feet; thence South 59°12'07" West, 75.07 feet; thence North 88°31'59" West, 307.66 feet to the most easterly corner of Parcel 1, as described in the deed recorded in the office of said Recorder on February 19, 1985 as Instrument No. 33447; thence, along the boundary of last said Parcel 1, the following two (2) courses: (1) North 40°15'35" West, 321.97 feet; and (2) South 34°24'12" West, 435.16 feet to the most westerly corner of last said Parcel 1; thence, along the northwesterly prolongation of the southwesterly boundary of last said Parcel 1, North 55°35'48" West, 30.00 feet to the southeasterly boundary of Parcel 2, as shown on said unrecorded Record of Survey; thence, along said southeasterly boundary, North 34°24'12" East, 92.20 feet; thence, leaving said southeasterly boundary, North 00°44'40" West, 1,558.31 feet; thence North 89°55'56" East, 318.69 feet to a point located on the westerly boundary of said tract of land described in Instrument No. 72072; thence, along the boundary of last said tract of land, the following five (5) courses: (1) South 00°41'22" West, 1,040.06 feet; (2) South 89°36'03" East, 249.86 feet; (3) North 00°42'11" East, 399.96 feet; (4) North 50°44'21" East, 782.96 feet; and (5) South 89°35'23" East, 149.73 feet to the POINT OF BEGINNING;

Containing: 1,423,194 square feet or 32.672 acres, more or less.

End of Description.



4/15/05



1 On filing a certified copy of this Final Order of Condemnation with the County Recorder of  
2 the County of Riverside, State of California, the fee simple title to the real property described  
3 above shall vest in the State of California, its successors and its assigns.  
4

5 Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT



**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **State of California v. Riverside Mining Limited, et al.**  
No.: **RIC 492860**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 7, 2011, I served the attached [PROPOSED] FINAL ORDER OF CONDEMNATION by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Arthur J. Hazarabedian, Esq.  
3429 Ocean View Blvd., Suite L  
Glendale, CA 91209

Glenn Beloian, Esq.  
3535 Tenth Street, Suite 300  
Riverside, CA 92501-3674

Jennifer Stein, Esq.  
1 First American Way  
Santa Ana, CA 92707

John A. Boyd  
Thompson & Colegate LLP  
3610 Fourteenth Street  
P.O. Box 1299  
Riverside, CA 92502

Christopher Bisgaard, Esq.  
221 North Figueroa St., Suite 1200  
Los Angeles, CA 90012

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 7, 2011, at Los Angeles, California.

Debbie Mills  
\_\_\_\_\_  
Declarant

*Debbie Mills*  
\_\_\_\_\_

Signature